**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU**

**TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929**

**Crl.Rev.Pet.No. 65 of 1999()**
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**CRA.49/1997 of IST ADDL. SESSIONS COURT, THRISSUR**
**ST.2768/1995 of JUDL. MAGISTRATE OF FIRST CLASS COURT, CHAVAKKAD.**

**.....**

**REVN. PETITIONER: APPELLANT/ ACCUSED**
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**SOBHANAKUMARI,**
**W/O.CHERAPARAMBIL, SREENIVASAN,**
**PUVATHOOR DESOM,**
**PUVATHOOR VILLAGE, CHAVAKKAD TALUK.**

**BY ADV. SRI.T.M.CHANDRAN**
**SRI.S.SUJITH**

**RESPONDENTS: RESPONDENTS/ COMPLAINANT**
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1. **MOHANAN, S/O.CHULLIPARAMBIL APPUNNI,**
**KARIYANNUR DESOM,**
**KANDANASSERY VILLAGE,**
**THALAPPILLY TALUK**

2. **STATE OF KERALA, REP.BY THE PUBLIC**
**PROSECUTOR, HIGH COURT OF KERALA,**
**ERNAKULAM.**

**BY ADV. SRI.A.K.CHINNAN**
**PUBLIC PROSECUTOR SRI.C.K.SURESH**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/ 07 /2007 ,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**K.R.UDAYABHANU, J**

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Crl.R.P.No.65 of 1999

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Dated this the 31st day of July, 2007

**O R D E R**

The revision petitioner is the accused who stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to pay a fine of Rs.65,000/- and in default, to undergo simple imprisonment for three months and out of the fine amount, if realised, Rs.63,000/- is to be paid to the complainant.

2. The case of the complainant is that a sum of Rs.60,000/- was borrowed and towards the discharge the impugned cheque was issued. The cheque when presented for encashment got dishonoured for want funds in the account of the accused. The lawyer notice sent was not replied to nor was the amount paid.

3. The evidence adduced in the matter consisted the testimony of PWs' 1 to 3 and Exts. P1 to P8. PW1 is the complainant himself. PWs' 2 and 3 are the bank managers who proved the fact of presentation of cheque and the dishonour of

the same for want of funds in the account of the accused. The execution of the cheque was found proved from the evidence of PW1. No contra evidence has been adduced to rebut the statutory presumptions. I find no reasons to interfere in the findings of the court below which are supported by proper reasons.

4. Considering the plea of the counsel for the revision petitioner she is granted six months' time from today onwards to remit the fine amount.

The revision petition is disposed of.

**K.R.UDAYABHANU,**
**JUDGE**

csl